

ORIGINAL

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Tyrone Donovan Jacobs

COMPLAINT

(Enter above the full name of the plaintiff in this action)

V.

FCI Fort Dix Warden Ortiz
Obu Lieutenant Andujar

(Enter the full name of the defendant or defendants in this action)

Civil Action No. _____

(To be supplied by the Clerk of the Court)

RECEIVED

MAR - 4 2022

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

INSTRUCTIONS; READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$402.00 (a filing fee of \$350.00, and an administrative fee of \$52.00), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. If you cannot prepay the \$402.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$52.00 Administrative Fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)

☐ 42 U.S.C. §1983 (applies to state prisoners)

☒ Bivens v. Six Unknown Named Agents of Fed. Bureau of
Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies
to federal prisoners)

If you want to assert jurisdiction under different or additional
statutes, list these below:

1b. Indicate whether you are a prisoner or other confined person as
follows:

☐ Pretrial detainee

☐ Civilly-committed detainee

☐ Immigration detainee

☐ Convicted and sentenced state prisoner

☒ Convicted and sentenced federal prisoner

☐ Other: (please explain) _____

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Court and docket number: _____

- c. Grounds for dismissal: () frivolous () malicious
 () failure to state a claim upon which relief
 may be granted

d. Approximate date of filing lawsuit: _____

e. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? FCI FAIRTON

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.)

- a. Name of plaintiff: Tyrone Jacobs Jr.

Address: FCI FAIRTON, FAIRTON NJ 08320, P.O. Box 420

Inmate #: 76316067

b. First defendant:

Name: David Ortiz

Official position: Warden

Place of employment: FCI Fort Dix

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Under oath of office the Lieutenant was
trusted under his employee roster to
uphold the fiduciary duty of protecting
inmates constitutional rights. He failed to
investigate the assault and denied BP-Q relief.

c. Second defendant:

Name: Lieutenant Andujar

Official position: Segregated Housing Unit Lieutenant

Place of employment: FCI Fort Dix

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

He dragged me into my cell by my ankles and
slammed my head around lifting me by my
hair, banging my head against the toilet screaming
I will kill your bitch ass.

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

☒ Yes ☐ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

I submitted Bp-8, 9, 10, and 11 which were
all denied from the Unit team, Warden, regional
office, all the way to Central office.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

N/A

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

I was arguing with Segregated Housing Unit
Leutenant Andujar on August 18th 2020
informing him of the deadline of my "legal Mail"
administrative Remedy "legal Affairs. He got
angry and told me he will be here tomorrow
to "lockin" with me (fight me). Announcing
this to the whole (SHU) tier. On August 19

I was going to shower and he was in there. (The C/O office, not the shower). I informed him I don't want no problems to just forget my rights. He was still mad and him and 3 other C/O's came to my door (C/O's Gunn, Heaney, Daniels.) He told my celly to cuff up so I jump in front of the slot so that he could not cuff my cell mate then say I refused to cuff so he can beat me up. He continued to tell my cell mate to move me but he didn't because he knew what he was trying to do to me. So they cuffed me first. After being cuffed I slipped aside slightly for my cell mate to cuff up. Once the door open I jumped backwards into the hallway to be on camera. Lieutenant Andujar dragged me by my ankles back into the cell and removed my cellmate. He then slammed my head onto the wall lifting me by my hair and dragging my head along the wall screaming and spitting in my face "I will fucking kill you." He then put me into the shower and told medical that I said I was going to kill myself to justify his actions. Which is false. Never been suicidal in my life. Why drag me off camera.

7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

I am seeking settlement of ~~FIFTY THOUSANT~~ ^{TWO-HUNDRED} DOLLARS (\$250,000) and immediate release from federal Custody to discourage future violations of "Employee professional

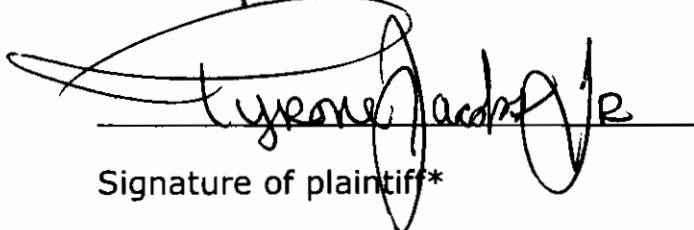
conduct as well as an admission to the facts by Lieutenant Andujar who defamed my character to cover his unprofessional and assaultive behavior by lying and saying that I said I wanted to kill myself.

8. Do you request a jury or non-jury trial? (Check only one)

() Jury Trial ☒ Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19 day of February, 2022


Signature of plaintiff*

(*EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT).